

No. Z-42-A/IV/320(B).—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by Government, at public expense, for a public purpose, namely, Bhiwani to Rewari road in Bhiwani District, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition of any land in the locality, may within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Haryana, Public Works Department, Buildings and Roads Branch, Ambala Cantt.

SPECIFICATION

District	Tehsil	Locality/ Village	Area in Acres		Remarks
Bhiwani	Bhiwani	Bamla	6.60	40	42
					19, 222
					9, 12/1, 12/2, 19/1, 19/2, 22/1, 22/2,
					66
					72
Do	Do	Rewari	15.23	84	1, 2, 9, 10, 11 12, 16, 19, 20, 21, 22
					1
					69
					1, 2, 9, 10, 11/1, 11/2, 12, 19, 20/1, 21/1, 21/2, 22
					92
Do	Do	Rewari	15.23	84	226
					691, 692,
					1, 10, 11, 20, 2
					695, 696, 699, 700, 702, 703, 704,
					809, 824, 823, 838, 849, 850, 705,
Do	Do	Rewari	15.23	84	728, 729, 749, 750, 767, 777, 793,
					794, 766, 806, 808
					104
					4/1, 4/2, 7/1, 7/2, 8, 13, 14, 17 18, 23, 24
					125
Do	Do	Rewari	15.23	84	3/1, 3/2, 8/1, 8/2, 13/1, 13/2, 18, 19,
					22/1, 22/2, 23
					137
					2, 3, 8, 9, 12/1, 12/2, 19/1, 19/2, 22/1,
					22/2, 13, 21

District	Tehsil	Locality/ Village	Area in Acres	Remarks
Bhiwani	Bhiwani	Rewari —concl'd	15.23 —concl'd	169 1, 8, 9, 10, 11, 12, 19, 20, 21/1, 21/2, 22 161 1/1, 1/2, 10/1, 10/2, 11, 20 162 15, 16/1, 16/2, 25/1, 25/2 173 4/1, 4/2, 5, 6, 7, 16/1, 16/2, 17, 18, 23, 24 175 3/1, 3/2, 8, 9, 12, 13, 18, 19

(Sd.) . . . ,

Superintending Engineer,

Bhiwani Circle, P.W.D., B. & R. Branch,
Bhiwani.

LABOUR DEPARTMENT

The 12th February, 1981

No. 9(1)81-8Lab/781.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of Notified Area Committee, Pundri.

BEFORE SHRI BANWARI LAI DALAL,
PRESIDING OFFICER,
LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 102/77
between

SHRI RAM KUMAR WALIA, WORK-
MAN AND THE MANAGEMENT OF
M/S. NOTIFIED AREA COMMITTEE,
PUNDRI.

Present:

Shri Madhu Sudan, for the workman.
Shri S. C. Chawla, for the manage-
ment,

AWARD

This reference No. 102 of 77 has been referred to this court by the Hon'ble Governor,—vide his order No. ID/KNL/326-A-77/31761, dated 2nd September, 1977, under section 10(i)(c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Ram Kumar workman and the management of M/s. Notified Area Committee, Pundri. The term of the reference was:—

Whether the termination of services of Shri Ram Kumar was justified and in order? If not, to what relief is he entitled?

The brief facts of the case are that an *ex parte* award was passed in favour of the workman on 30th March, 1978 which was sent to the Government for publication on 5th April, 1978. The management filed an application for setting aside this *ex parte* award on 16th May, 1978 and my learned predecessor set aside the *ex parte* award and restored the reference on file by his order dated 23rd November, 1978 subject to the payment of Rs. 150/- as cost. The management had filed the written statement when they

were proceeded against *ex parte* and the case was to proceed further for filing of rejoinder by the workman. The workman filed his rejoinder on 20th December, 1978 and following issues were framed on the basis of the pleadings of the parties:—

1. Whether the termination of services of the workman was justified and in order?
2. If not, to what relief is he entitled?

Shri Mahabir Singh, Secretary of the Committee was examined as the management witness who deposed that the workman was appointed as clerk on 1st December, 1974 for three months up to 20th February, 1975 and his term of services was extended from time to time on the workman's written request. The workman embezzle some amount and misused his position as tax collector by auctioning six sheets of time and misappropriating the amount, show cause notice to the workman were issued which are Exhibit M-3 and Exhibit M-4. The workman did not submit any explanation and appeared personally before the President who conducted the enquiry. The statement of Shri Ram Kumar was recorded by the then Secretary in the presence of the President and the workman signed the same which is Exhibit M-5. The statement of Shri Phoolu Ram, S/o Chhaju Ram and Shri Nar Singh, S/o Shri Rattna were also recorded which are marked 'A' and 'B'. Enquiry report is Exhibit M-6. Exhibit M-7 is the dismissal order and Exhibit M-8 is the resolution confirming the punishment while agreeing with the report of the Secretary. In his cross examination the witness has given out that there was no such record showing the notice of intimation of date of enquiry or appointment of enquiry officer and even he could not say whether the workman was given any opportunity to cross examine the witnesses. After the enquiry report no final show cause notice proposing the punishment was given to the workman.

On behalf of the workman himself was examined as his witness who stated that the management terminated his services on 12th January, 1977 without serving him any charge sheet or holding

any enquiry. In his cross examination the workman has admitted the receipt of Exhibit M-16 issued by the Committee giving one day break in his service but he denied that his services were temporary, he also denied the suggestion that enquiry was held against him and Exhibit M-17 bears his signature. Similarly Exhibit M-18 also does not bear his signature.

I have carefully seen the record and heard the learned representative of the parties and decide the issues as under:—
ISSUE NO. 1 and 2:

The workman has raised the dispute leading to this reference,—*vide* his demand notice, dated 14th February, 1977. In his demand notice the workman has stated that after the October, 1976 enquiry his services were terminated all at once,—*vide* order No. 893, dated 12th January, 1977 but in his statement he denied the holding of any enquiry prior to his termination. The management on the other hand has pleaded the factum of enquiry right from their written statement to the statement of the witness examined in their behalf and the documents filed in support of the same. The fact whether the workman was or was not given the reasonable opportunity for cross examination of the witnesses examined in the course of enquiry is immaterial as the workman has not raised any objection and has himself admitted the holding of enquiry prior to his termination as has been stated in his notice of demand and also nor been complained in his statement before me. It can also be concluded that the workman might have not availed of the opportunity. It seems to be an after thought version of the workman in denying the holding of enquiry and denying his signature on the Exhibits M-17 and M-18. Exhibit M-17 and M-18 are the admissions of the workman in respect of the charges levelled against him. As this is well settled rule of law that in domestic enquiry not much of legalism is to be attached. In the case in hand the fact that enquiry has been held prior to the termination of the workman has been fully proved and the same was proper that just as the workman himself has clearly stated in his notice of demand his services were terminated

after holding the enquiry and his statement made later on cannot be relied upon. The attempt of the workman in twisting the facts of the case in his complete denial of the holding of enquiry cannot be permitted as the same is contrary to his innocent admission in his notice of demand and the latter version is an after-thought and is wholly unreliable. The termination of Shri Ram Kumar Walia is therefore justified and in order and as such he is not entitled to any relief. Reference is answered and returned in the above terms. No order as to costs.

The 24th December, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court,
Haryana, Rohtak.

Endorsement No. 185, dated the 15th January, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Department, Chandigarh as required under Section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court,
Haryana, Rohtak.

H. L. GUGNANI,

Commissioner & Secretary to
Government, Haryana,
Labour & Employment Department.